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2019

FORT MYERS POLICE DEPARTMENT Phase III: 2019 Semi-Annual Report

AS OF OCTOBER 2019

FREEH GROUP INTERNATIONAL SOLUTIONS



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1 EXECUTIVE SUMMARY

During the first quarter of 2019, Freeh Group International Solutions, LLC (“FGIS”) initiated Phase III of its independent review of the Fort Myers Police Department (“Department”). The primary focus of Phase III was to review and assess the progress made by the Department in implementing the previous recommendations that were made by FGIS. As a result of that review, FGIS determined that the Department has implemented many of the recommendations made in 2017, 2018, and 2019. As a result of that substantial progress, FGIS will now begin reporting to the City of Fort Myers (“City”) on a bi-annual basis, rather than quarterly.

FGIS conducted a limited review of the Department’s Special Enforcement Division (SED).

2 INTRODUCTION

In February 2019, FGIS was again retained by the City in order to assess the Department’s response to the recommended changes that were contained in the reports for 2017 and 2018. As noted in a previous report submitted in 2019, the Department has made substantial progress in implementing the recommendations made by FGIS. Among other matters, this report chronicles the continued progress being made by the Department.

3 METHODOLOGY

Beginning in May 2019, FGIS initiated a review of the Special Enforcement Division (SED), as well as the federally-led task forces that FMPD-SED officers are assigned to. The purpose of the review was to ensure that FMPD resources were being used appropriately, that is, in a manner designed to present an integrated, intelligence-driven strategy that is efficiently preventing violent crime and targeting the city’s most violent offenders. In support of this review, FGIS conducted interviews of members of the SED, Patrol Division and Detective Units, as well as all FMPD executive officers.

Additionally, FGIS requested that FMPD obtain all documentation regarding the federally-led task forces to which FMPD officers are assigned. FGIS requested copies of all proposals for the creation or renewal of these federal task forces in order to evaluate whether the task forces were meeting their stated goals and objectives. In particular, FGIS sought the federal agencies’ applications for funding as well as performance reports submitted by the federal agencies to the DOJ which provides the justification for the continued funding of the task forces.

It should be noted that FGIS deliberately limited its review of the federally-led task forces to the information, that is, documentation, that was provided by the federal agencies to the Department. The purpose of such a review was to assess the task forces from the vantage point of the Chief of Police to determine whether he had sufficient information to make an informed decision. A more



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accurate assessment of the federal task forces would require a broader review of documents and interviews of appropriate stakeholders.

FGIS's request for all information regarding the federally-led task forces that was in the possession of the Department resulted in only a limited amount of information being produced by the Department and received by FGIS. Consequently, the Chief specifically requested that FGIS contact the United States Attorney's Office ("USAO") in an attempt to obtain additional, pertinent documentation. It was anticipated that the federal authorities might not share such information with a private concern, such as FGIS. As anticipated, the USAO did not provide any information. The lack of information provided to FGIS can certainly be justified by valid concerns regarding disclosure of sensitive or legally protected information to non-law enforcement personnel. Indeed, as stated, FGIS anticipated that such an outcome would likely ensue due to FGIS being a private, outside agency. However, at that time, such an approach appeared to be a viable option for attempting to receive additional information since the Department has previously received very little information concerning the impact being made by the several, federally-led task forces.

Due to the extremely limited amount of information received and reviewed by FGIS, there was an inadequate basis to make recommendations to the Department as to whether personnel should continue to be assigned to the task forces and, if so, to which particular task force and to what extent. As a result, FGIS is recommending this report be used as an impetus for the new Inspector General ("IG") to again request the necessary documentation and to perform a more thorough analysis in order to assess the Department's progress towards implementing Recommendations #9 and #10.

It is essential that the Department receive adequate documentation in order to arrive at a reasoned decision on where valuable resources should be directed. If a particular, federally-led task force is being effective and it is attempting to direct resources at the crime problems within or affecting the City of Fort Myers, then the Department might very well decide to direct resources to that particular task force. If, however, a particular task force has not been effective in combating crime affecting the City, then the Department needs to consider directing valuable resources elsewhere. Such a decision can only be made by examining documentation and past performance. Such an analysis is an ideal matter for the IG to undertake and FGIS will assist him in his efforts.

4 PROGRESS TOWARDS IMPLEMENTATION OF THE RECOMMENDATIONS MADE BY FGIS

As reported during the first quarter of 2019, the Department achieved steady progress towards the implementation of each of the thirty-two (32) recommendations that were made as a result of the 2017 Review, as well as the seven (7) supplemental recommendations made as a result of the



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2018 Review. As a result, nineteen (19) of the original recommendations and five (5) of the supplemental recommendations are no longer subject to regular follow-up review. FGIS would also note that the 2019 First Quarterly review resulted in five (5) additional recommendations.

As part of the current review, in May 2019, FGIS initiated a review of 2017 recommendations #9 and 10 as well as 2019 supplemental recommendation #1.

4.1 2017 RECOMMENDATION #9

FGIS recommended that all Investigative Groups be assigned to one Division. The Department should consider reassigning all Task Forces and Specialty Units to the Investigations Bureau to ensure that intelligence is collected and provided to support investigations.

RESPONSE

In 2017, Chief Diggs formally restructured the Department and reassigned all Specialty Unit personnel to the newly formed Special Enforcement Division (hereinafter "SED"). The SED as well as the Department's entire Patrol Division report to the Commander of the Investigations Bureau. FGIS assesses that Recommendation #9 has been fully implemented. As a result, this recommendation will no longer be monitored by FGIS.

4.2 2017 RECOMMENDATION #10

The Department should consider consolidating certain Specialty Units (SIG, VCTF, and GTF) in order to re-program officers to support the road patrol mission, as well as the detective units.

RESPONSE

Although there have been modifications regarding the Specialty Units, the full objectives of Recommendation #10 have yet to be met. Although the Department has eliminated the SIG, VCTF and GTF units, those units have essentially been replaced by the Vice-Narcotics Unit (VNU), the Special Enforcement Unit (SEU) and the Group Violence Initiative (GVI). Importantly, it does not appear the restructuring has resulted in the recommended return of officers and supervisors to the patrol and detective units.

Moreover, it appears that some of the SED units continue to operate in "silos" preventing a truly integrated crime prevention strategy wherein the capabilities of each unit are leveraged to achieve a single objective. Similarly, it does not appear the four federally-led task forces, to which FMPD officers are assigned, work collaboratively in order to concentrate resources on the finite number of groups and individuals responsible for the majority of the city's most serious crimes. For instance, there is a task force that concentrates on criminal activity involving drugs;



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there is a task force that concentrates on criminal activity involving firearms; there is a task force that concentrates on criminal activity involving violence; there is a task force involving fugitives. Although each of these task forces appears to concentrate on a narrow aspect of criminal activity and appears to involve a single mission, criminals are not as particularly defined. A criminal is generally much more opportunistic, availing him or herself of any possible manner in which to engage in deviant, criminal behavior. For instance, a drug dealer will carry a gun or engage in violent behavior. The crime problem affecting the City of Fort Myers is not confined to a particular type of criminal activity.

It is essential that the Department understand what each component of the SED is actually doing as well as each federally-led task force. The Department needs to be ensured that these “separate”, law enforcement units are working together and sharing information concerning the general crime problem affecting the City. It is for this reason that FGIS recommends that the Department’s newly hired IG be tasked with conducting a more thorough review of the SED and the federally-led task forces to determine whether further consolidation and concentration of resources is required. The Department has limited resources. Those resources need to be utilized in a manner that best serves the citizens of Fort Myers and ensures that the crime problems affecting the City are addressed appropriately.

4.2 (a) REVIEW OF THE SED

Based on the initial review conducted by FGIS, it appears the SED’s individual units do not have clearly defined roles which has caused duplication of efforts and tensions regarding information sharing. It was reported that there have been instances in which one SED unit was conducting operations targeting individuals and locations that were simultaneously being targeted by another SED unit. To be certain, information sharing on a “need to know” basis is vital to protecting sources of information and preventing the intentional or unintentional disclosure of sensitive operational plans. However, it was perceived by some that information is sometimes not shared between the SED units, for reasons other than protecting sensitive information, such as competition among the units and individual ambitions. The objectives of Recommendation #10 as well as the success of the SED require a unified and single-mission effort focused on the identification and prioritization of threats presented by violent individuals or groups engaged in illegal drug and gun activities.

4.2 (a)(1) The Vice Narcotics Unit (VNU)

The Vice Narcotics Unit (“VNU”) was established in 2019 to assume the responsibilities formerly performed by the disbanded Special Investigations Group (“SIG”). The primary responsibilities of the VNU are to address prostitution and illegal drug activity.

Uniformly, FMPD personnel reported that the greatest current drug threat impacting the city is the growing presence of the synthetic-opioid fentanyl. Patrol officers, in particular, described the high number of drug overdoses associated with fentanyl. These accounts are supported by a



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report released in 2019, by the Florida Medical Examiners Commission¹ (“Commission Report”), citing that 86% of opioid deaths which occurred in Lee County between January and June 2018 were attributed, in part, to fentanyl. However, during that same period of time in 2017, only 35% of opioid fatalities listed fentanyl as a cause of death (Commission Report ii), based on the same report. Nonetheless, the Department was unable to provide evidence of any significant seizures, arrests, indictments, prosecutions or asset forfeitures associated with fentanyl since 2016. For that matter, statistical accomplishments by the Department related to other dangerous drugs, including cocaine and heroin, were similarly limited.

However, there has been some recent evidence that the VNU is beginning to develop quality investigations. According to media accounts, FMPD executed a search warrant in Fort Myers in August 2019 and seized “9.8 grams (.34 ounces) of suspected heroin, 4 grams (.14 ounces) of suspected marijuana, a Glock 9mm handgun and multiple items of drug paraphernalia (digital scales, plastic baggies, drug containers, etc.)” – Fort Myers News Press, dated August 22, 2019. Additionally, based on interviews with VNU personnel, FGIS learned of a search warrant executed during September 2019 resulting in the seizure of approximately one (1) kilogram of cocaine as well as more than \$60,000 in cash. The criminal prosecution of these offenders is still pending.

Although the overall lack of productivity by the Department regarding drug investigations can be partially attributed to the disbanding of the SIG in 2017, FGIS notes that the 2017 Needs Assessment did not identify any significant investigations by the SIG in the three years prior to 2017. The challenge for VNU to become productive in a way that the SIG was not is exacerbated by the limited number of Department officers with experience conducting drug investigations. To its credit, the VNU has developed an effective relationship with the Lee County Sheriff’s Office (“LCSO”) resulting in opportunities to receive on the job training from LCSO deputies. The relationship developed between the Department and LCSO is an excellent example of partnering between law enforcement organizations to better utilize limited resources. It is clear that criminal activity transcends political boundaries. The criminal activity in Fort Myers does not stop at the City’s boundaries. Therefore, the Department must liaise with other law enforcement agencies, particularly LCSO.

The Department’s most experienced drug investigator is a sergeant assigned to the DEA task force. With the paucity of drug investigators within the ranks of the Department, it would appear that an assignment for such an experienced drug investigator would be within the Department training other less experienced officers, rather than assigned to a task force. If the Department decides to assign an officer to the DEA led task force, it would appear to be more useful to

¹ Florida Medical Examiners Commission. “Drugs Identified in Deceased Persons by Florida Medical Examiners: 2018 Interim Report.” 2019. Document (electronic). <<https://www.fdle.state.fl.us/MEC/Publications-and-Forms/Documents/Drugs-in-Deceased-Persons/2018-Interim-Drug-Report-FINAL.aspx>>.



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assign less experienced officers for set periods of time so that more officers can gain valuable experience in drug trafficking cases and then bring that experience back to the Department.

It was reported to FGIS that the DEA and VNU do not work together nor conduct training together in attempting to identify and investigate the City's drug traffickers. This again would be a matter that the IG should review and analyze. If true, such a situation is intolerable and must be resolved quickly. Although, as stated previously, there are legitimate reasons, at times, to maintain secrecy for certain information and investigations, those times are few and far between. More often than not, secrecy is utilized as a guise or excuse by one law enforcement agency to secure a competitive edge against another agency. Again, the IG should be utilized to determine what recommendations need to be made and followed to ensure that the agencies are working cooperatively.

Another challenge for the VNU is that it is responsible for responding to a high volume of citizen and city officials' complaints regarding crimes such as drug trafficking and prostitution. The complaints require a reactive response which limits the time available to develop sources of information, conduct surveillance and gather evidence for longer term investigations. Finally, the equipment used to support the VNU is outdated SIG equipment and will require updating.

4.2 (a)(2) The Group Violence Initiative (GVI)

The Group Violence Initiative ("GVI") is involved in a national violence reduction initiative led by John Jay College. The model requires that any investigation involving gang members be conducted by the GVI. It was reported that the GVI uses intelligence developed by federal, state, county and local police departments to identify individuals and groups which present the greatest risk to the community because of their involvement in violent crime. Adopting a progressive brand of policing, the individuals or groups identified as targets are provided with notice that they are targets of the GVI and, in turn, they are offered alternatives to being arrested. Individuals and groups that continue to engage in criminal activity become subject to enforcement action by the GVI.

It was reported to FGIS that the GVI has had minimal success in convincing offenders to choose to abandon their criminal behavior. Of course, that, in and of itself, should not come as a surprise. Those individuals approached by GVI presumably have already made bad choices. It is not surprising that these individuals would continue to do so. However, it is a unique approach by law enforcement to dissuade offenders from continuing on their wayward path. Although, to date, few individuals have availed themselves of the options presented by GVI, it should be noted that the GVI has been successful in facilitating the flow of intelligence, which has led to successful enforcement actions against continuing offenders.

4.2 (a)(3) The Special Enforcement Unit (SEU)

It was reported that the Special Enforcement Unit ("SEU") was established as an enforcement arm for the VNU. Whereas VNU officers work in plain clothes and unmarked cars for covert



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operations, the SEU officers are dressed in official Department uniforms and use marked patrol cars to initiate arrests and traffic stops. However, the role of the SEU has been expanded to conduct proactive investigations of individuals, whether they are members of gangs or not. It was reported that duplication of efforts and confusion has been caused by the use of the SEU to conduct investigations of individuals who are simultaneously targets of the GVI or the VNU. It is also reasonable to presume that these individuals are also targets of the four federally-led task forces discussed in Section 4.2(b) below. Additionally, based on interviews, it appears that the SEU utilizes the former SIG model of keeping all information confined within the SEU for security purposes. As stated previously herein, there are legitimate reasons for, at times, maintaining secrecy and confidentiality. However, as a result, many reported that information sharing across units remains inadequate. It does not appear that there is adequate coordination and deconfliction between the investigative units. FGIS recommends that, as part of his analysis, the IG needs to examine the flow of information among the units within the SED.

4.2 (b) REVIEW OF THE FEDERALLY-LED TASK FORCES

Since there are several, separately run federal task forces operating in southwest Florida and the Department has assigned officers full-time to each, it was important that FGIS examine these task forces and determine whether the limited resources of the Department were being utilized effectively to combat criminal activity within the City. The interviews of Department personnel as well as a review of the documents provided to FGIS revealed the following:

4.2 (b)(1) The FBI Safe Streets Task Force (SSTF)

The Safe Streets Task Force ("SSTF") memorandum was approved by the prior Chief of Police on July 10, 2014. The participating agencies are listed as follows: FBI, LCSO, CCSO, CCPD and FMPD

The memorandum asserts that the benefits to the Department of participating in the SSTF include better coordination of investigative resources, federal overtime reimbursement for the participating Department's task force officer ("TFO"), a federally funded vehicle for the Department's TFO and asset forfeiture sharing.

The stated mission of the SSTF is to identify and target for prosecution criminal enterprise groups, such as violent, street gangs, responsible for drug trafficking, money laundering, alien smuggling, crimes of violence, such as murder, aggravated assault, robbery as well as to apprehend dangerous fugitives. The SSTF states that it "consolidates federal, state local law-enforcement resources to do a well-coordinated initiative seeking the most effective investigative/prosecutive avenues by which to convict and incarcerate dangerous offenders."

During interviews of Department personnel, the SSTF was credited with assisting in several fugitive investigations as well as providing critical support in identifying and apprehending the alleged ZombieCon shooter in 2018. It was also reported that the SSTF conducted an investigation which led to the indictment of two individuals alleged to be significant drug



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traffickers. However, the documentation provided to FGIS was insufficient to evaluate the performance of the SSTF in order to make a recommendation to the Chief as to whether the full-time assignment of an FMPD officer to the task force has resulted in a positive return on that investment for the city. Consequently, once again, FGIS recommends that the IG specifically analyze this issue.

4.2 (b)(2) The DEA Fort Myers Resident Office Task Force Group I (FMRO /TF I)

The DEA Task Force memorandum that was provided to FGIS was approved on October 1, 2018. The participating agencies included the DEA and the Department. The DEA asserts that the benefits to the Department include the reimbursement of approximately \$18,000 in overtime payments to the DEA TFO, funds for the purchase of controlled evidence, office space and other support items. A renewal of the proposal was pending at the time of this review.

The stated mission of the DEA Task Force is to disrupt illegal trafficking in narcotics and dangerous drug activity by immobilizing targeted violators and trafficking organizations; gathering and reporting intelligence relating to trafficking in narcotics and dangerous drugs; and conducting undercover operations in order to achieve effective state and federal prosecutions.

The DEA memorandum reports that it is staffed by one experienced Department officer, four DEA special agents and a DEA supervisor. There was no information provided to FGIS regarding the number of defendants sentenced and incarcerated for crimes affecting the City of Fort Myers during the past three years.

During interviews by FGIS, FMPD personnel were unable to provide information regarding the caseload of DEA task force members. Although one Department TFO assigned to the DEA task force conducted an investigation resulting in the indictment of two individuals alleged to be significant drug traffickers, it was not clear what role the DEA played in the investigation. Department personnel who were interviewed did not describe any DEA presence in Fort Myers. It is incumbent on the IG to determine what benefit inures to the City by assigning a member of the Department on a full time basis to the DEA task force.

4.2 (b)(3) The Bureau of Alcohol Tobacco and Firearms (ATF) Task Force

The ATF Task Force was established in 2010. The memorandum of agreement provided to FGIS establishes the procedures and responsibilities of both the Fort Myers Police Department and ATF for the reimbursement of certain overtime and other pre-approved expenses. There is no statement regarding the goals and objectives of the task force or description of performance measures for the task force. Similar to the DEA submission, there is no information regarding the number of defendants sentenced and incarcerated for crimes impacting the city. However, the United States Attorney's Office provided a document which suggests that during the past four years, it has indicted approximately thirty-eight (38) individuals for firearms related violations. Thirty-one (31) of these indictments have resulted in convictions while the remaining seven (7)



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matters were pending at the time of this report. Again, FGIS did not receive sufficient information to determine which agencies conducted these investigations.

FGIS was also provided an inventory of firearms, drugs, ammunition and silencers seized and maintained in the custody of ATF. It was not clear whether these seizures were the result of proactive investigations by the ATF task force or simply items of evidence turned over to ATF for analysis after being seized by other law enforcement agencies. The ATF TFO reported being assigned to “two large scale gang related cases initiated in 2018”. FGIS was not provided information that would allow for an evaluation of the quality of these investigations. Generally speaking, interviews of FMPD personnel suggested the ATF has had a positive presence providing technical resources and personnel to the Department during 2019. Specifically, ATF has been helpful in linking shell casings from the crime scene of shootings to other crime scenes.

4.2 (b)(4) The United States Marshals Service (USMS) Task Force

The USMS Task Force was established in 2010.

The memorandum reviewed by FGIS indicates that the mission of the USMS task force is to investigate and arrest persons who have active state and federal warrants in order to improve public safety and reduce violent crime. The document states the task force will primarily target individuals engaged in violent crimes against persons, weapons offenses, felony drug offenses, failure to register as a sex offender, and crimes committed by subjects who have a criminal history involving violent crimes, felony drug offenses and/or weapons offenses.

In the documents provided to FGIS, the USMS reported fifty-seven (57) arrests in 2015; sixty-one (61) arrests in 2016; and fifty (50) arrests in 2017. These arrests are reported to be associated with Fort Myers offenders and there are case numbers and offense categories listed on the documents received by FGIS. However, FGIS is unable to evaluate whether the offenders who were arrested had committed the types of offenses identified in the task force’s mission statement. More importantly, FGIS is not able to assess whether the arrests contributed to the task force’s objective of reducing violent crime. The documents provided make no distinction between an individual who is actively hiding in order to avoid apprehension and prosecution for a crime of violence and an individual who is arrested for a probation violation. Although there is an important interest to the administration of the criminal justice system in arresting individuals who have active warrants for matters such as failing to appear for a court hearing or notifying a probation officer of a change of address, it is not clear that there is a relationship which would result in a corresponding reduction in violent crime.

During 2019, the USMS Task Force participated in “Operation Triple Beam”, a national USMS initiative. Interviews of FMPD revealed mixed reactions to the operation. Some participants expressed optimism that the operation would lead to the arrest of fugitives and drug and gun offenders which would result in the recruitment of confidential informants and cooperating defendants in order to launch large scale investigations of the city’s most violent offenders and significant drug traffickers. Others expressed concern that the operation was not coordinated



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with the entities tasked with conducting long term proactive investigations such as the FBI-SSTF, DEA Task Force, ATF Task Force or GVI. Additionally, concern was expressed that the operation's primary benefits to FMPD was to provide overtime for officers. (The same concern can be applied to each of the federally lead task forces. Although the task forces provide overtime payments for individual TFOs, it is not clear how those payments benefit the City and the Department, as opposed to that individual TFO.) One former federal prosecutor stated that these types of operations "target low hanging fruit and have no impact, or very little impact on a community, and yet take up valuable federal and local resources. Yet, how do you explain to outsiders that these cases are not impactful when they are taking bad guys off the street? The fundamental question is, are the federal task forces doing what they are designed to do - making "significant" cases to get "significant" violators off the streets of Fort Myers?" Ultimately, the value of the operation to the city will be judged by whether the arrests result in meaningful prosecutions and subsequent convictions of the offenders.

4.2 (b)(5) The Department of Justice (DOJ)

All of the task forces to which FMPD personnel are assigned are approved, funded and supervised by the DOJ. The Chief of Police requested that FGIS gather information in order to make a recommendation regarding whether FMPD officers should continue to be assigned full-time to these task forces, which makes those officers unavailable to be assigned to the Patrol Division or detective units. In August 2019, after conducting interviews of FMPD personnel and reviewing the available documents, FGIS advised the Chief of Police that it had received insufficient information to provide him with his requested recommendation regarding whether continuing to assign full time officers to the federally-led task forces could be justified.

Since FGIS informed the Chief that it did not have sufficient information to make such a recommendation, the Chief further requested FGIS to seek additional information and documentation from the USAO. On September 12, FGIS submitted a letter authored by the Chief to the USAO along with an introductory email. The letter requested information from the USAO regarding the performance of the federally-led task forces that are staffed with full time members of the FMPD. The letter informed the USAO that the Chief is trying to make informed resource utilization decisions. At the time of this report, FGIS has not received a response to the letter and FGIS has been informed by the Chief that the Department likewise has not received a response.

To date, neither the Chief nor FGIS has received sufficient information from the federal agencies or the USAO to make an informed decision as to whether the Department should have an active presence in the federal task forces at all, or, if so, which ones. The Department will, of course, continue to support the federally-led task forces whenever requested to do so. The real issue is whether the Department should assign a full-time officer to a particular task force. In order to make that decision, the Department must have ample evidence that such a decision benefits the City and the Department. Accordingly, FGIS recommends that FMPD's IG initiate substantive audits of each task force in order to make staffing recommendations to the Chief. First and



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foremost, the audits should evaluate whether the DOJ task forces have adequately identified the causes of the city's crime problem and developed a coordinated strategy to address them.

Additionally, there appears to be duplication of effort among the four task forces. Fundamentally, each is targeting offenders engaged in violence and drug trafficking. Although such documentation may exist, FGIS did not receive any documentation or information that suggests the four DOJ task forces work together. Given Fort Myers' relatively small size and the data produced by the Department's Intelligence Center that suggests most of the violent crime in the city is confined to a small number of individuals and particular neighborhoods, it would appear that a single unified task force would be a more efficient and effective crime reduction strategy. The fact that some of the federal agencies have a single mission and therefore, investigate cases from a narrow focus, might not provide the most optimal method for the Department to address its crime problems. The Department's goal is to find solutions to its problems and the Chief needs to know whether assigning personnel to these task forces is helping to address the problems in the City. If not, the allocation of these valuable, limited resources might be better suited for the patrol division. Regardless of the ultimate decision, the Chief needs to have the necessary documentation and information in order to make an informed decision.

In addition to the request for information concerning the federal task forces, FGIS was also asked to draft a second letter to be submitted to the USAO. At the request of the Chief, FGIS submitted a second letter to the USAO on September 12, 2019, requesting a briefing regarding the status of the investigation of several Department officers who were suspended in early part of 2017. Those suspensions were the direct result of a request from the USAO.

In addition, again at the request of the USAO, the Chief has not initiated administrative investigations regarding these officer. As a result, the taxpayers have continued to pay the salaries of the officers, the SED has been under-staffed and the officers remain uncertain of their future employment with the department. According to media accounts, two officers have been paid \$259,110.54 and \$171,230, respectively, since being placed on leave. The Chief requested sufficient information from the USAO to determine whether to continue to maintain the officers in a paid leave status without conducting administrative investigations. As of the date of this report, FGIS has not received a reply to that letter. Without that information, the Chief is unable to make an informed decision on the status of the suspended officers.

FGIS anticipated not receiving the requested information in that it is a private concern and there are legitimate reasons for not sharing that information with a non-governmental, law enforcement agency. Consequently, in the alternative, FGIS requested that the USAO provided that information directly to the Chief. FGIS has been informed by the Chief that he has not received a response to his letter from the USAO. As a result, FGIS also recommends that the IG engage directly with the USAO in order to gather sufficient information to determine whether to initiate administrative investigations against the suspended officers in order to resolve the allegations against the officers. The Chief needs to have that information in order to make an



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informed decision and the IG, as a sworn member of the Department, can certainly receive that information from the USAO.

5.3 2019 Supplemental Recommendation #1

The City should consider hiring an executive level-leader, such as an Inspector, who reports directly to the Chief to oversee the investigation and administration of discipline within the Department, as well as to serve as a special advisor to the Chief on matters including but not limited to public relations, community outreach, recruitment, retention, training, quality control and leadership development. Despite the significant progress made by the Department in many areas, it continues to confront both internal and external forces intent on undermining the efforts of the Chief.

Although the Chief should be commended for his personal commitment to reviewing and making final decisions regarding findings and discipline, FGIS assesses that this occupies an extraordinary amount of his time, particularly given the level of scrutiny the Department is under and the number of individuals who appear intent on trying to benefit from the Department's prior transgressions.

Additionally, the creation of an additional, executive position, such as an Inspector, would allow for a more clear and defined chain of command, which should relieve some of the burdens that have been placed on current executives, who are presently wearing multiple hats. The current executives would then have an opportunity to participate in developmental opportunities that would improve their individual skill levels which should inure to the benefit of the Department.

RESPONSE

The City has hired an extremely experienced Inspector General and the Chief of Police has scheduled an introductory meeting with FGIS during the IG's first two weeks on the job. Although this recommendation will no longer be monitored, FGIS looks forward to interacting with and supporting the IG.

The current status of the implementation of the thirty-nine (39) recommendations made in 2017 and 2018 is detailed in Exhibit A.

5 ONGOING AND FUTURE EFFORTS

During calendar year 2019 and 2020, FGIS will continue its assessment of the Department by focusing in on the following areas:

- FGIS will work with the IG to continue to monitor and support the evolution of the disciplinary process;
- FGIS will work with the IG to assess the performance of the PIO program;



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- FGIS will assist the IG in conducting the top to bottom review of the Department, as requested by the Chief of Police, including assessing the implementation of the remaining recommendations;
- FGIS will assist the IG in assessing the Department's promotion, training and assignment procedures.

FGIS fully anticipates that the recruitment and retention of an IG will greatly reduce the need for FGIS to monitor the Department. FGIS looks forward to working with the IG as the Department transitions away from employing outside consultants and instead, relies on its own resources.

The Fort Myers Police Department continues to make substantial progress in implementing the recommendations of FGIS. The hiring of the new IG should greatly improve the Department's ability to monitor the disciplinary process, evaluate the performance of each of the Department's units as well as the benefits of participating in the federally-led task forces. FGIS observed that each of the three SED units, VNU, GVI and SEU are currently short-handed, both in terms of officers and supervisors. Two of the units are supervised by acting sergeants. Similarly, the Patrol Division remains short-handed. Given the overlap in the missions of the SED units, the Department should consider whether to eliminate the SEU and reinforce the VNU, GVI, Patrol and Detective Divisions with SEU personnel.



6 EXHIBIT A: STATUS OF 2017 AND 2018 RECOMMENDATIONS

6.1 2017 RECOMMENDATIONS

Year	#	Recommendation	FGIS Response	Status
2017	01	The Department should request outside assistance to investigate the allegations of officer misconduct identified during the FGIS Assessment.	The Department requested and received outside assistance from the appropriate law enforcement agencies to investigate allegations relating to the officer misconduct identified during the FGIS Assessment. FGIS wishes to remind the City and the public of its previous statements, as well as those of the FMPD and the Department of Justice that federal authorities are currently evaluating the allegations. Neither FGIS nor the FMPD will make further comment on this matter while the federal review is underway. The Chief of Police has requested that FGIS continue to monitor this recommendation given the ongoing nature of the review by the federal authorities.	<i>Partially Implemented – FGIS to continue monitoring</i>
2017	02	The City should hire two Deputy Chiefs on an interim basis to alleviate the issue of the Department being a “flat” organization.	The Department now has two Deputy Chiefs on staff. Consequently, recommendation #2 will be removed from future FGIS reviews.	<i>Implemented – To be removed from future reviews</i>
2017	03	The Department should hire a Press Information Officer (“PIO”).	This Recommendation was implemented with the hiring of a PIO in 2017. FGIS initially intended to evaluate the performance of the Department's PIO program in 2018 to ensure that the PIO is being used appropriately. However, review of the PIO program was delayed, by agreement with the City, due to an unanticipated, priority matter that the City asked FGIS to address during the fall of 2018. As a result, a review of the PIO program will be conducted during 2019.	<i>Implemented – FGIS to continue monitoring</i>
2017	04	The Department must scrupulously adhere to its stated policies and procedures. FGIS further recommended that an Employment Law attorney be retained to review all policy changes and conduct a comprehensive evaluation of the Department's disciplinary policies and practices.	In 2017, the City engaged outside counsel to review and revise disciplinary policies. General Order 7.1 was revised on February 22, 2019 with the assistance of outside counsel. The revisions refine the precise words used in the prior policy, and assign responsibility to the Professional Standards Section for the filing of electronic records in the Department's disciplinary case management system, IAPro. FGIS finds that the Department continues to implement the recommendations of the 2017 Needs Assessment by working with outside counsel to regularly evaluate	<i>Implemented – FGIS to continue monitoring</i>



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			<p>existing policies and, when appropriate, make the necessary changes when needed and identified. This represents a significant improvement from the pre-Needs Assessment practice of making changes in policy without following established procedures or conducting a proper legal review.</p> <p>FGIS provides a more detailed review of the current disciplinary process in Exhibit B of this report.</p>	
2017	05	The Department should define Preliminary Assessments and use them as a tool to assess and properly categorize allegations of officer misconduct.	<p>The Department continues to effectively use the Preliminary Assessment ("PA") as an informal investigation to ensure that all complaints are properly reviewed and assessed. As a result, all complaints are now properly documented. FGIS recommends that the Department continue efforts to ensure complaints are properly investigated in a manner consistent with policy while, at the same time, taking steps to protect officers from frivolous or improperly-motivated complaints that are initiated against them. In order to ensure discipline is implemented in a consistent manner, the Chief of Police presently reviews every PA initiated by the Department, and then determines which PAs to close or advance. FGIS will continue to monitor the Department's use of the PA as part of its overall review of the disciplinary process.</p>	<i>Partially Implemented – FGIS to continue monitoring</i>
2017	06	The Department should consider excluding the name of a complainant on the Citizen Response System Memorandum to the City Manager because the Memorandum could become a public document, thereby creating potential security concerns for the complainant.	<p>As indicated in the 2018 review, this recommendation was implemented and verified by FGIS again in the First Quarter of 2019.</p> <p>Recommendation #6 will be removed from future FGIS reviews.</p>	<i>Implemented – To be removed from future reviews</i>
2017	07	The Department must find a safe location and means for witnesses to communicate with detectives.	<p>As stated in 2018, the Department has upgraded the quality and capabilities of its interview rooms. The Department has also established the following substations which are available for interviews located within neighborhoods where many victims and witnesses reside:</p> <ul style="list-style-type: none"> • Renaissance Preserve (2017) • Dream Center (2017) • Southward Village Public Housing (2017) • Nelson Tillis Public Housing (2018) • South Substation – Children's Advocacy Center (2019) 	<i>Implemented – To be removed from future reviews</i>



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			The Department is also working to build a new substation with Horizon Public Housing. As a result of the substantial progress the Department has made to increase accessibility, recommendation #7 will be removed from future FGIS reviews.	
2017	08	The Department should ensure that the Captain serving as the Commander of the Investigations Bureau is trusted and respected by both officers and outside agency partners.	At the present time, the Deputy Chief is filling that role. Two of the Department's Captains are currently on paid administrative leave pending investigations. The Department is severely understaffed at the executive level. The Department must prioritize efforts to strengthen the executive team both by filling vacancies and offering support and development opportunities to current staff. This will present a significant challenge given the time needed to develop executive level leaders. FGIS will continue to work closely with the Chief, City Manager and HR Director to develop and implement creative solutions to this challenge.	<i>In Progress – FGIS to continue monitoring</i>
2017	09	All Investigative Groups should be assigned to one Division. The Department should consider reassigning all Task Forces and Specialty Units to the Investigations Bureau to ensure that intelligence is collected and provided to support investigations.	<p>The Department has established the Special Enforcement Division (SED) within the Investigations Bureau. Within the SED are the following units:</p> <ul style="list-style-type: none"> • The Special Enforcement Unit ("SEU"), which is comprised of uniformed officers that target offenders based on intelligence that identifies the most violent offenders, whether or not the individuals are affiliated with gangs. • The Vice Narcotics Unit ("VNU") is comprised of plain-clothes officers who work closely with the SEU to conduct covert operations including surveillance and confidential evidence purchases. The VNU focuses its enforcement activity on crimes such as illegal drug trafficking and prostitution. • The Group Violence Initiative ("GVI") is a collaboration between the Department and John Jay University, state and federal law enforcement, community members and social service providers designed to give members of violent groups or gangs a chance to turn their lives around. The GVI notifies violent offenders when they have been selected as individuals that will be monitored by the GVI. These individuals are brought into a public forum where they are addressed by prosecutors, police officers and 	<i>Partially Implemented – FGIS will assist the IG on an as needed basis.</i>



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			<p>other members of the GVI team. Those individuals selected for monitoring by the GVI are offered the option of assistance if they agree to abide by the requirements of the GVI. They are also informed of the consequences of future involvement in criminal activity. The GVI endeavors to divert individuals from criminal activity by providing customized information to offenders regarding services that will be made available in exchange for sustained good behavior. At the same time the individuals are advised of their potential legal exposure for future criminal behavior.</p> <p>The objective of Recommendation #9 was to facilitate intelligence sharing across Department units, which was an issue noted in detail in the 2017 Needs Assessment. FGIS has yet to evaluate whether the Department's new structure has adequately addressed the need for a better process for exchanging intelligence in order to proactively investigate and respond to violent crime. Accordingly, the SED will be the focus of FGIS's 2019 Second Quarterly Report. General Orders 22.1 and 22.3, which address policies and procedures for the execution of search warrants and the operations of the SED, will be included in this review.</p>	
2017	10	The Department should consider consolidating task forces (Special Investigations Group, Violent Crimes Task Force and Gang Task Force) in order to reprogram officers to support the road patrol mission, as well as the detective units.	<p>Since the initial recommendation, the Department has gained forty-six (46) new sworn officer positions. The Department presently has two hundred and thirty-six (236) sworn positions. Two hundred and eleven (211) of these positions are filled. The Special Investigations Group ("SIG") was disbanded and the new VNU was established. VNU officer training was completed in 2019 and, in collaboration with the City, new policies and procedures were implemented. The revised policies and procedures are intended to prevent the types of transgressions that occurred previously within the SIG.</p> <p>Similarly, the Gang Suppression Unit ("GSU") was disbanded and the SEU and GVI became operational in 2019. As new officers graduate from the Academy and begin FTO training, the Department plans to reassign current patrol officers to the SED and other units in order to expand the capacity of the SED. As a result, patrol officers will likely continue to express concerns that they are short-handed. The SED will be the focus of FGIS's 2019 Second Quarterly Report.</p>	<i>Partially Implemented – FGIS to continue monitoring</i>



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2017	11	The Department needs to establish controls in order to ensure Task Force and Specialty assignments are managed impartially and transparently.	<p>The Department has begun sending out notifications to personnel that there are openings in the specialty units. The Department also revised General Order 18.1, "Specialized Assignments". The revised Order identifies the specialized assignments, sets forth the purpose of the specialty units, and details the required qualifications and procedures for filling vacancies. One of the objectives of Recommendation #11 was to address the perception held by many officers that completing an assignment within a specialty unit was typically the pathway to promotion. As part of an effort to clarify the process, the Chief implemented a new promotional policy in 2018. Under the revised policy, an independent contractor evaluates and ranks all candidates for promotion. The Chief participates in the interview process. The Chief then promotes candidates based on the independent rankings. No member of the Department makes recommendations to the Chief under the new policy.</p> <p>During the 2019 First Quarterly Review, some officers reported that they did not feel the most qualified officers were promoted in 2018 under the new process. Others believe that the current educational requirements prevent some of the best leaders from receiving promotions. At the time of the First Quarterly Review, the Department was in the process of revising General Order 18.1 so that the current selection procedure is consistent with the existing policy. FGIS will review the revised Order during 2019.</p>	<i>Partially Implemented – FGIS to continue monitoring</i>
2017	12	The Department should undertake additional training regarding use of force and de-escalation techniques.	<p>In 2018, the Department participated in a DOJ-sponsored pilot project regarding de-escalation. The Department also hired an accreditation manager in order to bring the Department into compliance with the Commission for Accreditation for Law Enforcement Agencies ("CALEA") standards which sets forth best practices regarding use of force policies. The Department conducted a CALEA certification mock assessment in 2019, with the goal of successfully completing a CALEA onsite during the fall of 2019. As part of that process, the Department has been working with the City to revise its use of force policies and procedures.</p> <p>The Department reports that it continues to use scenario-based training on a quarterly basis to improve officers' de-escalation skills. During the 2018 third and fourth quarters, officers received scenario-based</p>	<i>Out of Scope - To be removed from future reviews</i>



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			<p>training in Taser, OC Aerosol Spray, Baton, Extended Range Impact Devices and Weaponless Control Techniques. During each of these training sessions, officers were exposed to scenarios where they were forced to use verbal skills to diffuse volatile encounters. These types of training sessions will continue in 2019. The Training Division is currently developing a three-year training plan for 2020 - 2022. The Training Division will continue working with the "Patrol Expert" platform to build additional training sessions.</p> <p>Inasmuch as the scope of the FGIS engagement does not include use of force monitoring, recommendation #12 will no longer be reviewed by FGIS. Nevertheless, FGIS will continue to provide the Department with information concerning training opportunities, if and when such opportunities become available.</p>	
2017	13	<p>The Internal Affairs Office should be located in a separate room, if not a separate building. Currently, Internal Affairs shares space with Training and Accreditation. As a result, there is a risk of transfer of confidential information that should be closely held within the Internal Affairs Office. The Department should also consider employing an outside entity to collect complaints and conduct routine reviews of complaints to ensure they are being properly processed.</p>	<p>The Department has relocated personnel who were previously sharing space within the Internal Affairs office to other locations. Regarding the recommendation to use an outside consultant to review complaints, the Department consulted with the City Attorney's office as well as outside counsel, and concluded that Florida law would make it difficult for the Department to employ an outside entity to collect complaints. Given that it is not feasible to hire an outside entity to collect complaints, ensuring the integrity of the process has heightened importance. FGIS will continue to regularly monitor investigations to ensure ongoing compliance with policies and procedures.</p>	<p><i>Implemented – FGIS to continue monitoring</i></p>
2017	14	<p>The Department should evaluate all existing supervisors based on their leadership ability and past performance in order to implement the Chief's vision. Undoubtedly, there will be individuals who will resist the changes that must be implemented in order to move the Department forward. The Chief's greatest challenge will be to identify future leaders who are willing to sacrifice personal ambitions and preferences in order to do what is best for the Department and the City of Fort Myers.</p>	<p>The Chief personally interviewed each supervisor under consideration for promotion. Additionally, the Chief employed an outside entity to evaluate and rank candidates for promotion. On August 4, 2017, Chief Diggs promoted fifteen (15) supervisors. On January 22, 2019, Chief Diggs promoted nine (9) more supervisors. On March 7, 2019, Chief Diggs promoted two (2) additional supervisors.</p> <p>Inasmuch as the Department has hired an outside consultant to assist with the promotional process, FGSI will no longer monitor this recommendation.</p>	<p><i>Implemented – To be removed from future reviews</i></p>



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2017	15	The Department should consider working with a subject matter expert to establish a short term and long-term Strategic Plan, designed to prioritize threats. Within the Strategic Plan, Goals and Objectives should be specific, measurable and attainable, and should advance the priorities of the Department.	The Department continues to work with subject matter experts from the University of Cincinnati to draft a Strategic Plan. Inasmuch as the Department has hired an outside consultant to assist with the promotional process, FGSI will no longer monitor this recommendation.	<i>Implemented – To be removed from future reviews</i>
2017	16	The Department should consider re-establishing a substation in the Dunbar community. Previously, a substation existed in that area. Such a physical presence will help to contain some of the violence that has impacted the area. Since cost is always an issue to consider, the Department should consider seeking out a private-public partnership to help defray the expense of opening up a substation.	As stated in 2017 Recommendation #7, the Department has established the following substations: <ul style="list-style-type: none"> • Renaissance Preserve (2017) • Dream Center (2017) • Southward Village Public Housing (2017) • Nelson Tillis Public Housing (2018) • South Substation – Children's Advocacy Center (2019) • The Department is also working to build a new substation with Horizon Public Housing. As a result of the substantial progress the Department has made to increase accessibility, recommendation #16 will be removed from future FGSI reviews.	<i>Implemented – To be removed from future reviews</i>
2017	17	The Department should request and coordinate joint legal training for homicide and serious felony cases. An investigator needs probable cause to arrest. A prosecutor needs proof beyond a reasonable doubt to convict. The difference in the burdens of proof causes a great deal of tension between investigators and prosecutors. In fact, it is probably the most significant cause of tension and strife between the two groups. Such tension is not unique to Fort Myers. It is common throughout the United States. By conducting joint training sessions, the two groups will be compelled to participate, listen, and learn from each other.	This recommendation has been accomplished, and the practice continues. FGSI will no longer monitor this recommendation.	<i>Implemented – To be removed from future reviews</i>
2017	18	The Department should consider hiring a consultant with experience to construct a homicide unit that functions as a team to aggressively	The Department sought out and received professional assistance from the Bureau of Justice Assistance ("BJA") National Resource & Technical Assistance Center in conducting a comprehensive assessment of the Department's Homicide Unit. The assessment team	<i>Implemented – To be removed from future reviews</i>



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		and thoroughly build prosecutable cases.	conducted an on-site assessment and evaluated the Unit's policies and procedures in November of 2017. In April of 2018, BJA presented the Department with a report detailing its findings and recommendations. The Department is in the process of implementing each of the recommendations outlined in the assessment report. Additionally, the Chief plans to retain a consultant with experience coordinating complex investigations of violent groups at the state and federal levels. As a result, FGIS will no longer monitor this recommendation.	
2017	19	The Department should establish a process to rotate patrol officers and supervisors through the Homicide Unit to provide experience and awareness to other units that should be supporting homicide investigations.	This recommendation remains in progress. The delay in implementation is due to staffing limitations.	<i>In Progress – FGIS to continue monitoring</i>
2017	20	The Department should consider seeking funding to hire additional investigators on a temporary basis to address the significant backlog of cold case homicides.	The Department requested additional funding during the 2019 fiscal year budget process to hire two (2) additional cold case investigators. This funding request was approved and the Department hired the additional investigators, bringing the current staffing to four (4) cold case investigators. As a result, FGIS will no longer monitor this recommendation.	<i>Implemented – To be removed from future reviews</i>
2017	21	The Department should consider hiring an Analyst to collate all of the relevant information on past Dunbar homicides and assign a Cold Case detective to investigate these cases in a Task Force type environment.	The Department requested authority to hire Crime Analysts in the 2018 fiscal year budget. Four (4) positions were approved. Consequently, the agency hired four (4) new Crime Analysts in late 2018 and early 2019. The new Crime Analysts are assigned to the organization's newly formed Intelligence Unit. Additionally, the agency increased the number of Cold Case Homicide Investigators from two (2) to four (4). The enhanced level of personnel in both units should improve the Department's ability to collect and review information regarding prior homicide investigations to identify connections and patterns, and to develop new leads. As a result, FGIS will no longer monitor this recommendation.	<i>Implemented – To be removed from future reviews</i>
2017	22	The Department should consider seeking partnerships with federal, state and county officials to investigate and prosecute drug and	The Department was recently successful in a collaborative investigation with local, federal, and state partners regarding a major RICO case involving local, gang members. FGIS will continue to monitor	<i>Partially Implemented – FGIS to continue monitoring</i>



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		gang related homicides using statutes such as RICO and CCE.	recommendation as a part of the 2019 Second Quarterly Review.	
2017	23	The Department should develop an effective intelligence cycle that harnesses existing patrol units and leverages task forces to gather intelligence that supports prosecutions, and ultimately breaks the retaliatory cycle of violence that exists within the City.	The Department developed an Intelligence Unit, tasked with executing an effective intelligence cycle throughout the agency. It was reported to FGIS that intelligence information is flowing more effectively and efficiently throughout the organization, and has recently led to a reduction in the retaliatory cycle of violence within the community. FGIS will evaluate the performance of the Intelligence Unit later in 2019.	<i>Implemented – FGIS to continue monitoring</i>
2017	24	Given understaffing and lack of space, it is recommended that the Department hire an individual with a strong background in evidence management to serve as the new Evidence Supervisor in order to conduct the required inventory and prepare for the 2019 CALEA re-certification.	On November 2, 2017, the Department hired a new evidence supervisor. The new evidence supervisor has an extensive background in law enforcement management and has experience managing an evidence vault. He participated in a complete reorganization and inventory of the evidence vault that was completed in 2019. During the First Quarterly Report, FGIS toured the evidence vault and was impressed with the dramatic improvements regarding organization, management and control of evidence as well as the personnel within the Evidence Section. The CALEA onsite will be useful in identifying any existing gaps. As a result, FGIS will no longer monitor this recommendation.	<i>Implemented – To be removed from future reviews</i>
2017	25	The Department should consider establishing a Quality Control component that ensures policies are followed and provides a layer of accountability.	The newly established command structure of the organization provides greater accountability to ensure that agency strictly adheres to its policies. For example, as recommended by FGIS, Chief Diggs hired two (2) new Deputy Chiefs. These new command level positions add a tangible layer of accountability as the Deputy Chiefs are responsible for ensuring that the organizational components reporting to them follow all departmental policies and procedures. Additionally, the Department conducts staff inspections of each organizational component to ensure that specific policies are followed. These “Staff Inspections” are conducted by command level supervisors assigned to different agency components rather than the supervisors responsible for the particular component being inspected. The Chief is in the process of hiring an Inspector-level executive who could further monitor staff inspections. As a result, FGIS will no longer monitor this recommendation.	<i>Implemented – To be removed from future reviews</i>
2017	26	The City should conduct a staffing study to determine the appropriate	The Department contracted with the University of Cincinnati to complete a “Staffing Study” to achieve the	<i>Implemented – To be</i>



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		number of officers and civilian staff required to achieve the Department's long-term mission.	Department's long-term mission. This study was completed on July 23, 2018 and is being utilized by the Department to guide its budget requests. As a result, FGIS will no longer monitor this recommendation.	<i>removed from future reviews</i>
2017	27	The Department should determine whether the Resource Management System ("RMS") can be modified to eliminate inefficiencies.	The Department has contracted with Mark 43 to purchase a new Resource Management System (RMS). The launch date is tentatively scheduled for October 2019. As a result, FGIS will no longer monitor this recommendation.	<i>Implemented – To be removed from future reviews</i>
2017	28	The Department should purchase laptops and printers for each detective. The Department should explore the possibility of seeking funding for this recommendation through a public-private partnership.	The City purchased laptops and printers for each detective. As a result, FGIS will no longer monitor this recommendation.	<i>Implemented – To be removed from future reviews</i>
2017	29	The Department should increase the number of detectives and improve efficiency for these detectives by eliminating reporting burdens that do not aid investigations and are not necessary for properly documenting investigative activity; such as standardizing case preparation and presentation processes; assigning detectives to work as partners and holding each accountable for completing logical, investigative steps; and eliminating the permanent night shift by placing two detectives and a supervisor on call for a one week period, on a rotational basis.	In 2017, the Department requested assistance from the National Resource & Technical Assistance Center of the Bureau of Justice Assistance ("BJA") to conduct an assessment of the Department's processes and procedures for handling homicide investigations. In April 2018, a "Homicide Investigations Assessment Report" was presented to the Department. This report included a series of specific recommendations for the FMPD. Additionally, the Department contracted with the University of Cincinnati to conduct a Staffing Study for the entire agency. This Staffing Study was completed on July 23, 2018. Inasmuch as the Department has engaged outside consultants to address this recommendation, FGIS will no longer monitor this issue.	<i>Implemented – To be removed from future reviews</i>
2017	30	The City should consider hiring additional officers, analysts, technicians, dispatchers and civilians to support patrol, community engagement and its investigative mission. This should be supported by the staffing study.	The positions described in this Recommendation were all approved for the 2018 fiscal year. The organization has moved quickly to hire all new positions. FGIS will no longer monitor this recommendation.	<i>Implemented – To be removed from future reviews</i>
2017	31	The Department should consider purchasing a National Integrated Ballistic Information Network ("NIBIN") for use in-house. NIBIN is a national database of digital	In partnership with the ATF, the Department received a NIBIN BrassTrax machine in early 2019 which has been useful in expediting linking shootings. FGIS will no longer monitor this recommendation.	<i>Implemented – To be removed from future reviews</i>



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		images of spent bullets and cartridge cases that were found at crime scenes or test-fired from confiscated weapons. The system is managed by the Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF"). By purchasing NIBIN, the Department would reduce the response time for analyzing bullets and cartridges to 24 – 48 hours.		
2017	32	The Department should consider hiring a Forensic Supervisor and an additional Technician for the unit. The Department should also seek private and public partnerships to obtain funding for improved equipment and space. Currently, all three technicians are graduates of FGCU and there might be an opportunity for a partnership with the university. Additionally, the Department should consider consulting with the Cape Coral Police Department ("CCPD"), as well as an outside consultant to assist with grant writing.	On February 22, 2018, the Department hired a Forensic Supervisor. Additionally, on February 21, 2019, the Department hired a fourth (4th) Crime Scene Technician. The Department also obtained improved equipment with the support of the City. The Department continues to be challenged because it does not have its own lab. The Department uses the Florida Department of Law Enforcement (FDLE) to conduct forensic analysis. Presently, FDLE restricts the number of items of evidence that can be submitted at one time in a homicide investigation to five (5). In cases involving shootings in which the victim survives, the number of items is restricted to three (3). The limitations inherent in this process cause delays in investigations. FGIS will continue to work with the Department to find creative solutions to this issue.	<i>In Progress – FGIS to continue monitoring</i>